

Appl. No. 09/804,522

Amnt. dated 2/13/06

Reply to Office Action of Dec. 14, 2005

REMARKS/ARGUMENTS

Claims 1-26 remain in the application. No claims are currently amended. Claims 1, 5, 7, 11, and 14 were previously amended.

Claims 1-2, 6-8, 13, 21, and 26 were rejected under 35 USC 103(a) as unpatentable over Maekawa et al 5,644,388 in view of Hoffman et al. 6,813,017 and McDermott 5,898,267. Claims 3-4, 7, 9-12, and 14-25 are rejected under 35 USC 103(a) as unpatentable over Maekawa et al., Hoffman et al., McDermott, and Martin et al. 4,573,796. Claim 5 is rejected under 35 USC 103(a) as unpatentable over Maekawa et al., Hoffman et al., McDermott, and Ross et al. 5,877,863.

Newly cited reference U.S. Patent No. 6,813,017 to Hoffman et al. is cited in all of the claim rejections. However, applicant contends that Hoffman et al. is not properly prior art in this application.

Referring to the Office Action of March 19, 2003 (no paper no. given) the Examiner stated that:

The affidavit filed on 12/24/02 in paper No. 8 and 9 under 37 CFR 1.131 is sufficient to overcome the Maekawa [actually Bentsen et al. 6,372,895] reference. In particular the affidavit shows conception of the claimed invention, at least as early as 10/12/99 (See Exhibit C), which is earlier than the 7/7/00 filing date of the [Bentson et al.] reference. The affidavit additionally shows due diligence on the part of the Applicant to develop the claimed invention As such, the Examiner respectfully withdraws the rejections to claim 1-20.

Please note that the filing date of the provisional application for patent from which Hoffman et al. claims priority is October 20, 1999, after the conception

date of October 12, 1999 for the present invention. Note also that the claims of Hoffman et al. do not cover the same subject matter, as all of the Hoffman et al. claims include (for example) the element "a light obstructing device" having an opaque portion and at least two transparent portions, one transparent portion much larger than the other. The present invention does not include any such element. Therefore, the Hoffman et al. reference is not properly prior art in the present application.

Applicant maintains all of the previous arguments against the rejections based upon the previously cited references. The Examiner agrees that these rejections are valid and "withdraws the rejections in Sections 3-8 of the Office Action dated 4/27/05." Therefore applicant submits that all of the claims are allowable.

As all of the claims now in the application appear to be in condition for allowance, applicant respectfully requests that the application be allowed and passed to issue as soon as possible.

Respectfully submitted,
MACHELEDT BALES & HEIDMILLER LLP

By

A handwritten signature in black ink, appearing to read "Jennifer Bales", is written over a horizontal line.

Jennifer L. Bales
Registration No. 38,070
Telephone (303) 664-4734
Facsimile (303) 664-4735